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# TRANSCRIPT OF RECORD

## Supreme Court of the United States

OCTOBER TERM, 1937

## No. 281

ALUMINUM COMPANY OF AMERICA, APPELLANT,

*vs.*

THE UNITED STATES OF AMERICA

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED AUGUST 2, 1937.

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., AUGUST 23, 1937.

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[fol. 1]

# IN UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

November Term, 1912

In Equity. No. 159

UNITED STATES OF AMERICA

v.

ALUMINUM COMPANY OF AMERIICA

DOCKET ENTRIES

May 16, 1912. Bill filed.

May 16, 1912. Subpœna issued returnable to the first Monday of July next.

May 17, 1912. Writ returned endorsed as follows: "United States of America, Western District of Penna. ss: I hereby certify and return that I served the annexed Chancery Subpœna and Petition in Equity on the thereinnamed Aluminum Company of America, by handing to and leaving a true and attested copy thereof with Arthur V. Davis, President of said Aluminum Company of America, personally at Pittsburgh in said District on the 16th day of May A. D. 1912. E. Hadsell Porter, U. S. Marshal, By. W. G. Dick, Deputy."

June 1, 1912. Answer filed.

[fol. 2] June 7, 1912. Decree filed and entered.

(Here follows a complete copy of the Consent Decree.)

Oct. 25, 1922. Petition of deft. for modification of decree filed.

Oct. 25, 1922. Supplemental Decree (by consent) filed and entered.

April 29, 1937. Petition of Aluminum Co. of America for restraining order filed.

April 29, 1937. Order filed and entered making Homer S. Cummings, Attorney General, Robert H. Jackson, Assistant Attorney General, Wendell Berge, Special Assistant to Attorney General, Walter L. Rice, Special Assistant to Attorney General, John W. Aiken, Special Assistant to

Attorney General, F. Gwyn Harper, Jr., Special Attorney, N. A. Townsend, Jr., Special Attorney, and Lamar Hardy, U. S. Attorney, party defendants to above-entitled suit; granting a restraining order returnable May 7, 1937, at 9 A. M., E. S. T.: bond in sum of $50,000 to be given by Aluminum Co. of America.

April 29, 1937. Bond of Aluminum Co. of America in sum of $50,000 with Fidelity & Casualty Co. as surety approved and filed.

April 30, 1937. Affidavit of service filed showing that copy of petition and restraining order were left with Mary W. Tuttle, Chief Clerk in the office of the District Attorney.

May 4, 1937. Subpœna returned served with Bill of com-[fol. 3] plaint and Order on Wendell Berge, Special Assistant to the Attorney General of the United States, on April 30, 1937. (The words "certified copy of petition of April 29, 1937" should have been used in Marshal's return instead of "bill of complaint" in this and the following six returns of service.

May 4, 1937. Subpœna returned served with Bill of Complaint and Order on Robert H. Jackson, Assistant Attorney General of the United States, on April 30, 1937.

May 4, 1937. Subpœna returned served with bill of complaint and Order on N. A. Townsend, Jr., on April 30, 1937.

May 4, 1937. Subpœna returned served with bill of complaint and Order on Walter L. Rice, Special Assistant to the Attorney General, on April 30, 1937.

May 4, 1937. Subpœna returned served with bill of complaint and Order on Homer S. Cummings, Attorney General of the United States, on April 30, 1937.

May 4, 1937. Subpœna returned served with bill of complaint and Order on F. Gwyn Harper, Jr., Special Attorney, on April 30, 1937.

May 4, 1937. Subpœna returned served with bill of complaint and Order on John W. Aiken, Special Assistant to the Attorney General, on May 1st, 1937.

May 5, 1937. Subpœna returned served with certified copy of order and certified copy of petition, on Lamar [fol. 4] Hardy, United States Attorney, at New York, N. Y., on May 3, 1937.

May 6, 1937. Special appearance of Robert H. Jackson, Assistant Attorney General, and Walter L. Rice, Special

Assistant to the Attorney General, for Homer S. Cummings, Attorney General, Robert H. Jackson, Assistant Attorney General, Walter L. Rice, Special Assistant to the Attorney General, John W. Aiken, Special Assistant to the Attorney General, Wendell Berge, Special Assistant to the Attorney General, F. Gwyn Harper, Jr., Special Attorney, N. A. Townsend, Jr., Special Attorney, and Lamar Hardy, U. S. Attorney.

May 7, 1937. Hearing on restraining Order and motion to quash service before Gibson, J.

May 7, 1937. Motion to quash service, set aside return, dismiss defendant's petition and vacate restraining order filed.

May 7, 1937. Trial memo filed.

May 7, 1937. Order of Court filed and entered directing that the temporary restraining Order granted on April 29, 1937, be and it is hereby continued in force for ten days from date of this Order.

May 14, 1937. Order filed and entered refusing motion of Robert H. Jackson, Assistant Attorney General, and Walter L. Rice, Special Assistant to the Attorney General, to dismiss defendant's petition and vacate restraining order; exception noted to petitioners and bill sealed.

May 14, 1937. Findings of fact, conclusions of law and [fol. 5] opinion filed, directing that preliminary injunction issue.

May 14, 1937. Preliminary injunction issued against Homer S. Cummings, Attorney General of the United States, Robert H. Jackson, Assistant Attorney General, Wendell Berge, Special Assistant to the Attorney General, Walter L. Rice, Special Assistant to the Attorney General, John W. Aiken, Special Assistant to the Attorney General, F. Gwyn Harper, Jr., Special Attorney, W. A. Townsend, Jr., Special Attorney, and Lamar Hardy, United States Attorney for the Southern District of New York, restraining them from proceeding in any way in the suit instituted in the District Court of the United States for the Southern District of New York at No. 85-73 against the Aluminum Company of America or any of its 100% subsidiaries; bond to be given by the Aluminum Company in the sum of $50,000.00.

May 14, 1937. Bond in the sum of $50,000 approved by the Court and filed (Fidelity and Casualty Co. of N. Y.).